

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: K. NISHIMURA, et al.

Serial No.: 10/686,480

Filed: OCTOBER 16, 2003

Title: FUEL CELL

Group AU: 1746

Examiner: Tony Sheng Hsiang Chuo

Confirm. No: 8057

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97 AND 1.98****Mail Stop: AMEND – FEE**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

June 14, 2006

Sir:

Pursuant to Applicants' duty of disclosure, enclosed please find copies of documents cited in an Official Action issued on April 4, 2006 from the Japanese Patent Office, in connection with a corresponding Japanese patent application. Also enclosed are English abstracts of each of the respective documents. Further enclosed is a Form PTO/SB/08A, listing the enclosed documents.

Please note that in addition to the enclosed documents, the aforementioned Official Action issued on April 4, 2006 also cited Japanese Patent Document No. 08-138704 and No. 08-138705; however, each of No. 08-138704 and No. 08-138705 has previously been cited in the Information Disclosure Statement filed October 16, 2003, in the above-identified application, upon filing of the application, and has also been cited by the Examiner on the Form PTO-892 enclosed with the Office Action mailed March 14, 2006, in the above-identified application.

It is respectfully submitted that none of the enclosed references disclose, or would have suggested, a water-retaining layer having a mean micro-pore diameter of 10-300 μm and a thickness of 50-300 μm , as in the present claims.

This Information Disclosure Statement is being submitted subsequent to a first Office Action on the merits in the above-identified application, in an application that is not under a Final rejection, in which a Notice of Allowance has not been issued, and in which no action closing prosecution on the merits has been issued. For satisfying requirements of 37 CFR 1.97(c), the following Statement is made under 37 CFR 1.97(e):

Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

To the extent that the enclosed documents are not in English, it is respectfully submitted that requirements of 37 CFR 1.98(a)(3) are satisfied by English abstracts submitted with each respective non-English language document.

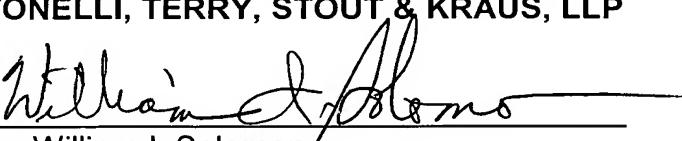
In view of the foregoing, it is respectfully submitted that all applicable requirements of 37 CFR 1.97 and 1.98 have been satisfied, in connection with each of the documents listed on the enclosed Form. Accordingly, consideration of the listed documents, upon further examination of the above-identified application, is respectfully requested.

Please charge any shortage of fees due in connection with the filing of this paper to the Deposit Account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (case No. 520.43216X00), or credit any excess fees paid to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

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<p>Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.</p> <p>Substitute for Form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT JUN 14 2006 <i>June 14, 2006</i> <i>U.S. Patent and Trademark Office</i> <i>Use as many sheets as necessary</i></p>		<p>Complete if Known</p>	
		Application Number	10/686,480
		Filing Date	10/16/2003
		First Named Inventor	K. NISHIMURA
		Art Unit	1746
		Examiner Name	Tony Shena Hsiang Chuo
		Attorney Docket Number	520.43216X00
Sheets	1	of	1

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

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Examiner Initials'	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ —Number ⁴ —Kind Code ⁵ (if known)				
		JP 07-135012	05/23/1995	S. Mizuno		A
		JP 2001-185169	07/06/2001	Y. Yoshimoto, et al.		A
		JP 05-041230	02/19/1993	K. Koseki		A

Examiner Signature _____ **Date Considered** _____

***EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.